

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LOREN OWENS,

Plaintiff,

Case No. 1:24-CV-00547

Hon. Jane M. Beckering

v

DOES 1-133,

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**MOTION TO SUBMIT PROPOSED ORDER PURSUANT TO THE COURT'S
SEPTEMBER 25, 2024 DIRECTIVE**

Plaintiff Loren J. Owens (“Plaintiff”), by and through counsel, respectfully submits this motion to the Court regarding the submission of a proposed order in compliance with the Court's directive issued on September 25, 2024.

Procedural Background

Plaintiff’s Request for Subpoena:

On September 3, 2024, Plaintiff filed a motion for leave to issue a subpoena to ascertain the names, addresses, and email addresses of the unknown Doe Defendants. (ECF No. [26](#)).

Response by Named Defendants:

On September 4, 2024, Magistrate Judge Phillip Green ordered the named Defendants to file a response no later than September 11, 2024. (ECF No. [27](#)). The named Defendants complied and submitted a joint response on the specified date. (ECF No. [35](#)).

Motion Hearing:

The Court scheduled and held an in-person hearing on September 25, 2024, at 10:30 AM. During the hearing, Plaintiff's counsel objected to the standing of the named Defendants to

challenge a third-party subpoena directed at the Doe Defendants. The Court, however, indicated it was entitled to hear input from the named Defendants.

Court's Ruling:

At the conclusion of the hearing, the Court verbally granted Plaintiff's motion in part, allowing the issuance of one subpoena. The Court further instructed Plaintiff's counsel to draft an order consistent with the principles outlined in Strike 3 Holdings, LLC v. Doe, Subscriber IP 98.49.46.71, 2021 WL 4437911. The Court also directed Plaintiff's counsel to collaborate with opposing counsel to ensure the proposed order is narrowly tailored and to address any objections.

Order Drafting and Submission Timeline:

Following the hearing, the Court ordered Plaintiff's counsel to submit the proposed order within five (5) days. (ECF No. [44](#)).

Plaintiff's Counsel's Efforts to Comply

Communication with Opposing Counsel:

On September 26, 2024, at 4:24 AM EST, Plaintiff's counsel circulated a draft of the proposed order, the subpoena, and its attachments to all opposing counsel via email. The email explained that, per the Court's directive, Plaintiff's counsel was seeking collaboration and input from Defendants' counsel. Plaintiff's counsel also clarified that a billing statement was not included in the proposed order because Sinch's subpoena policy, available online, provided sufficient guidance regarding their charges. Plaintiff's counsel requested opposing counsel's edits by the close of business on the same day.

Response from Opposing Counsel:

On the same day, at 10:46 AM EST, Plaintiff's counsel received a response from Defendant Long and Chuna's attorney, Ms. Jante Ramsey, Esq., stating that their team was reviewing the documents but would not be able to provide a redline version on that day due to scheduling conflicts. Ms. Ramsey assured Plaintiff's counsel that a response would be provided before the Court's deadline.

No Further Communication Received:

Despite Ms. Ramsey's assurance, as of September 30, 2024, at 11:00 PM EST, Plaintiff's counsel has not received any further communication or a redlined version of the proposed order.

Plaintiff's Efforts to Resolve the Matter in Good Faith

Good Faith Efforts to Collaborate:

Plaintiff's counsel has made diligent and good faith efforts to facilitate timely collaboration by sending the proposed order and subpoena immediately upon drafting, thus allowing ample time for review and input. Despite these efforts, no substantive feedback has been received from opposing counsel, and Plaintiff's counsel remains unaware of any opposition or proposed revisions.

Plaintiff's Compliance with the Court's Order:

In compliance with the Court's instruction to work cooperatively with opposing counsel to narrow the subpoena and ensure its appropriateness, Plaintiff's counsel has attempt to engage with opposing counsel. As no further response has been received, Plaintiff submits the proposed order

and subpoena to the Court for its consideration, while reserving the right to amend the proposed order if opposing counsel provides feedback.

Request for Court Action

Submission of Proposed Order and Subpoena:

Plaintiff respectfully submits the proposed order and subpoena and attachments, attached hereto as Exhibit A, B, & C, for the Court's review and approval, in accordance with the Court's verbal ruling and the framework established by Strike 3 Holdings.

Resolution of the Matter:

In light of opposing counsel's failure to provide timely feedback, Plaintiff requests that the Court approve the submitted proposed order and subpoena, or in the alternative, schedule further proceedings to address any remaining concerns.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

1. Approve the proposed order and subpoena as submitted, or
2. Provide any additional instructions or schedule a status conference to resolve any remaining disputes between the parties regarding the proposed order and subpoena.

Dated: September 30, 2024

Respectfully submitted,
By: /s/ Joshua S. Goodrich, J.D., LL.M.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of September 2024, a copy of the foregoing PLAINTIFF'S *MOTION TO SUBMIT PROPOSED ORDER PURSUANT TO THE COURT'S SEPTEMBER 25, 2024 DIRECTIVE* was filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

By: /s/ Joshua S. Goodrich, J.D., LL.M.
JOSHUA S. GOODRICH, J.D., LL.M.